IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10740 of 2004

Between:
M.S. Razzack, S/o. Late Pasha Miya, R/o. H.No. 42-819, Garibnagar, Vikarabad, Ranga Reddy District.

..... PETITIONER

AND

1 The Superintending of Police, Vikarabad, Ranga Reddy District.
2 The Deputy Superintendent of Police, Vikarabad, Ranga Reddy District.
3 The S.H.O. P.S. Vikarabad, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly in the nature of Writ of Mandamus declaring that the action of the respondent in harassing the petitioner and his entire family members as illegal, improper, arbitrary and in violation of the Fundamental Rights guaranteed Under Article 21 and 22 of the Constitution of India by declaring the action of the respondents 1 to 3 as illegal, improper and arbitrarily consequently direct the respondents not to harass the petitioner and his family members, in the interest of justice., and to grant such other and further relief as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.ALI FAROOQUE

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in interfering with the life and liberty of the petitioner and his family members as well as from carrying on their business, though no criminal case is registered against them.

2. According to the petitioner, he along with his three sons their wives and grand children are living in Vikarabad town and two of his sons are carrying on business. On the ground of suspicion, petitioner's third son-M.A.Javeed was detained illegally from 14.04.2004 to 23.04.2004 and was even interrogated by using third degree methods on the ground that he is involved in a murder case, though no criminal case was registered against third son of the petitioner. It is also stated by the petitioner that the respondent-police officials are not allowing the petitioner's sons to carry on their business and the said activity of the respondents is clearly illegal and without jurisdiction.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Home and the writ petition is disposed of at the admission stage in view of

the facts stated by the petitioner that no criminal case is registered against him or against any of his family members.

4. If it is a fact that no criminal case has been registered against the petitioner or against any of his family members, the respondents have no jurisdiction to interfere with the life and liberty of the petitioner and his family members including his third son. The respondents also have no jurisdiction to interfere with the business that is being carried on by the petitioner's sons.

5. Accordingly, the writ petition is disposed of directing the respondents not to interfere with the life and liberty of the petitioner and his family members including the business that is being carried on by them. No costs.

29th June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1 The Superintending of Police, Vikarabad, Ranga Reddy District.
2 The Deputy Superintendent of Police, Vikarabad, Ranga Reddy District.
3 The S.H.O. P.S. Vikarabad, Ranga Reddy District.
4 Two CCs to the Government Pleader for Home, High Court Buildings, Hyderabad.(OUT)
5. Two CD copies.

Note: Furnish CC in three days.